

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 5:13-cv-00690-D

OKLAHOMA GAS & ELECTRIC CO.,

Defendant.

**PLAINTIFF UNITED STATES' OPENING BRIEF IN SUPPORT OF ITS
MOTION FOR DECLARATORY JUDGEMENT**

Index of Exhibits

Exhibit	Description
1	EPA Guidance Document, Letter from William Rosenberg, EPA, to John Boston, WEPCO (June 9, 1990) ("WEPCo Remand Letter")
2	Letter from D. Pollock re: Coal Plant Upgrade Status [1846] (March 12, 2007)
3-A	Letter from D. Branecky (OG&E) to E. Terrill (ODEQ) transmitting 2003 Muskogee 4 Project Report (Oct. 22, 2003).
3-B	Letter from D. Branecky (OG&E) to E. Terrill (ODEQ) transmitting 2004 Sooner 2 Project Report (Feb. 16, 2004).
3-C	Letter from D. Branecky (OG&E) to E. Terrill (ODEQ) transmitting 2004 Muskogee 5 Project Report (Apr. 14, 2004).

3-D	Letter from D. Branecky (OG&E) to E. Terrill (ODEQ) transmitting 2004 Muskogee 6 Project Report (Oct. 20, 2004).
3-E	Letter from D. Branecky (OG&E) to E. Terrill (ODEQ) transmitting 2005 Muskogee 4 Project Report (Feb. 22, 2005).
3-F	Letter from D. Branecky (OG&E) to E. Terrill (ODEQ) transmitting 2005 Muskogee 5 Project Report (Oct. 3, 2005).
3-G	Letter from D. Branecky (OG&E) to E. Terrill (ODEQ) transmitting 2006 Sooner 1 Project Report (Jan. 26, 2006).
3-H	Letter from D. Branecky (OG&E) to E. Terrill (ODEQ) transmitting 2006 Sooner 2 Project Report (Oct. 27, 2006).
4	Order of the Administrator, <i>In re: Wisc. Pow. & Light, Columbia Gen. Station</i> (“ <i>Columbia Generating Order</i> ”) (Oct. 8, 2009).
5	EPA Guidance Document, Letter from D. McNally (U.S. EPA) to M. Wejkszner (Pa. Dep’t Env’tl. Protection) (Apr. 20, 2010).
6	Email from O.W. Beasley to J. Parham [1843] (Nov. 27, 2007) and attached letter.
7	Letter from D. Branecky to A. Gould [1865] (Sept. 14, 2006)
8	Excerpt of Email from Larry Kuennan [1854] (July 29, 2004)
9	Excerpt of Technical Support Document for the Prevention of Significant Deterioration and Nonattainment Area New Source Review Regulations (“PSD TSD”) (November 2002)